

## High Court dismisses accident victim's appeal against care costs

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A DISABLED road accident victim who claimed he was being "unlawfully" charged for his care by Plymouth City Council has had his challenge thrown out by a High Court judge.

Mr Justice Holman dismissed claims that the council had "blindly applied" national guidelines before levying care charges on 35-year-old Andrew Craig Collins, without taking his personal circumstances into account.

Mr Collins was aged just nine when he was struck by a private ambulance in May 1984. He was left paraplegic and dependent on constant care. Eleven years after the accident, in 1995, he won a £1,139,000 compensation payout for his injuries.

The dispute at London's High Court centred on the city council's stance that his income from that award – about £700,000 of it remains invested in the Court of Protection – should be taken into account when assessing his entitlement to free non-residential care.

The judge said the council had explained that due to the "considerable budgetary pressures" posed by the city's ageing population its policy is to charge for care services "where it is permitted to do so... in order to maximise the services that can be provided".

Mr Collins' legal team did not dispute Plymouth's power to charge him for his non-residential care, but argued the council had "blindly applied" guidelines and "unlawfully fettered" its own discretion over whether or not he should be made to contribute towards his care.

The court was told the care charges levied on Mr Collins since 2006 for attendance at a day care centre, and care in his own home, amounted to about £160 per week.

The court also heard that Mr Collins receives about £180 per week in state benefits and his gross income from his damages fund is about £26,000 per year.

Dismissing the judicial review challenge, Mr Justice Holman said the council had followed its own lawful 'Fairer Charging Policy', and was entitled to take national guidelines into account when ensuring that it was being "no less generous" than recommended.

During the hearing, the judge was told that the council was now in the process of reviewing its policy on whether damages awards should be taken into account for care charging purposes.